



## COUNCIL MINUTES

July 1, 2009

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on July 1, 2009 at 4:17 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

#### 1. Review items on the agenda for the July 1, 2009 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: 7b and 7c (Jones)

Items added to the consent agenda: 5a, 5b, 5c, 6a, 6b, 6b.1 and 6c **(ITEMS CONTINUED TO THE JULY 8, 2009 REGULAR COUNCIL MEETING.)**

Items removed from the consent agenda: None

#### 2. Review items on the agenda for the July 8, 2009 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items added to the consent agenda: None

Items removed from the consent agenda: None

3. Hear a presentation, discuss and provide direction on the Zoning Code Update – Module 4.

Planning Director John Wesley reported that Module 4 (Administration and Procedures) of the Zoning Ordinance Update project establishes, among other things, the citizen advisory boards that review and provide input to the Council with respect to land use decisions. He explained that the work the consultant performed on the document occurred prior to the June 4, 2009 Study Session, at which time staff made a presentation to the Council regarding the consolidation of various advisory boards. Mr. Wesley said that as a result, modifications would be made to the applicable sections of the module pending additional input from the Council and the public.

Zoning/Civil Hearing Administrator Gordon Sheffield displayed a PowerPoint presentation (A copy is available for review in the City Clerk's Office) and provided an extensive and complex overview of this agenda item.

Mr. Sheffield highlighted the key concepts that formed the basis upon which Module 4 was drafted as follows:

- The "Issues and Options Working Paper" authored by the City's consultant, Dyett and Bhatia.
- Clear rules for decision making. (Standards should be easily understandable and enforceable.)
- Specific authority for approval. (A decision-making body should have clear evaluation criteria.)
- Streamlined procedures. (A new "Common Procedures" chapter that establishes standard practices.)
- Certainty and finality. (Clear, measurable standards for development and decision-making provide security and predictability to developers and neighborhood interests.)
- Opportunities for relief. (Appeals and variance procedures show exactly how and when a decision or standard may be modified.)
- Consistency with Proposition 207.

Mr. Sheffield also outlined items of major change to the chapter entitled "Planning Agency," which identifies the bodies, officials and administrators with designated responsibilities per the Zoning Ordinance. Those items include:

- The elimination of the Downtown Development Committee (DDC). (Note: This issue was discussed at the June 4, 2009 Study Session.)
- Revisions to the authorities/duties of the Design Review Board (DRB). The DRB would focus on a broad oversight of cases and the decisions of staff as opposed to individual case review.

In response to a question from Mayor Smith, Mr. Sheffield clarified that staff anticipates that one of the functions of the DRB would evolve into establishing, approving and implementing higher development standards. He explained that because design is always changing, the proposed revisions would allow the DRB to engage in "a continuing dialogue" in terms of setting development standards and advising staff relative to the appropriate manner in which to address such reviews and implement those guidelines.

Mayor Smith commented that a legitimate concern that has been expressed regarding the proposed changes to the DRB is that citizens would have less of an opportunity to offer input with respect to design standards. He stated that he would hope that the new process as described by Mr. Sheffield would be user friendly, streamlined and that Mesa would maintain a high level of design standards. Mayor Smith also encouraged that the design standards be established beforehand so that developers would be aware of them coming into the process.

Vice Mayor Jones noted that problems have occurred in the past because there was not sufficient clarity in the design standards, which resulted in the “subjective reviewing” of cases. He expressed confidence that the establishment of more well defined standards would assist the developers and staff in expediting the process.

In response to a question from Councilmember Finter, Mr. Wesley explained that today’s presentation is merely an overview of Module 4 and said that at a future Study Session, staff would address additional items, including the Council Use Permit process.

Mr. Sheffield continued with his analysis of the “Planning Agency” chapter and the proposed items of change as follows:

- Planning & Zoning Board – Minor change. (Update duties and responsibilities)
- Board of Adjustment – Unchanged.
- Historic Preservation Committee – Unchanged.
- Planning Hearing Officer – Unchanged.
- Zoning Administrator – Added administrative tasks.

Mr. Sheffield highlighted a new chapter, Common Procedures, which would establish procedures common to all permit applications and reviews. He stated that the chapter would include a variety of sections including, but not limited to: application forms and fees; review of applications; citizen participation; and notice of public hearings. Mr. Sheffield noted that the chapter would also include additional detail, as needed, for specific boards and committees.

Discussion ensued relative to the streamlining of procedures in Module 4 that would enable the concurrent review of Special Use Permits and rezoning cases by the P&Z Board; that staff would review most design review cases now heard by the Board; and that hearing officers would continue to facilitate weekly reviews and process cases more quickly.

Mr. Sheffield also spoke regarding staff’s proposal that Module 4 include a zoning clearance, which would replace a “Certificate of Occupancy” requirement for the expansion of vacant land. He explained that the Zoning Administrator or a delegated authority would review the case to ensure that the land use complies with the Zoning Code. Mr. Sheffield added that the zoning clearance would not be required for the continuation of uses or structures previously approved or permitted.

Further discussion ensued relative to the proposed design review process; that the standards that elevate a case to a mandatory design review would remain, but staff would conduct the review instead of the DRB; that in those instances when a case was challenging and the proposed architecture did not conform with Mesa’s design standards, the City would retain a consultant architect to work with staff and/or the applicant’s architect in order to address those concerns; and that the applicant could appeal staff’s decision to the DRB.

Mayor Smith stressed the importance of the City maintaining a “professional to professional” relationship in order to achieve higher design standards in a more efficient manner.

Mr. Sheffield stated that relative to any administrative actions by the DRB or staff, Module 4 would require a “Findings” criteria, which would provide greater transparency regarding the basis for those decisions.

Additional discussion ensued relative to the fact that Module 4 would include additional required findings with regard to Use Permits; that staff would require that adequate public services and facilities are components of the infrastructure; and certain types of conditions that could be added to a Use Permit (i.e., additional building setbacks, noise attenuation, limited vehicular access).

Mr. Sheffield further reported that Module 4 includes provisions for Temporary Use Permits, a new process for the review/approval of certain uses that are intended to be for a limited period of time and would not permanently alter the character or physical facilities of the proposed site. He explained that the Zoning Administrator would approve the applications and make a finding of facts (i.e., no unreasonable, negative impact on negative properties). Mr. Sheffield also noted that there are specific conditions of approval that must be met in order for an entity to obtain a Temporary Use Permit.

Mayor Smith commented that one of the challenges that the City will encounter in the Mesa Gateway area is the “transitional use” of property. He stated that while it is recognized that the best use eventually for a particular parcel might be, for instance, a Class A office building, the realities of the current economy indicate that may not occur for 20 years. Mayor Smith inquired if the current Zoning Ordinance or staff’s proposal would allow for some type of temporary use of property even if such a use was extended for 15 years or longer.

Responding to Mayor Smith’s question, Mr. Sheffield clarified that the present Zoning Ordinance does not address a temporary use. He advised that the use of a property must be consistent either with what is permitted under the current zoning district or one that could be authorized based on the zoning districts that are permitted with that General Plan land use category.

Mayor Smith commented that there must be some mechanism through the regulatory structure to accommodate the “natural transition” from non-use to ultimate use without creating a “regulatory quagmire” or even “deep sixing” the City’s long-term plans through some undesired rezoning which would be viewed as a temporary use.

Mr. Wesley acknowledged Mayor Smith’s comments and stated that staff is working to address those concerns with the Temporary Use Permits.

Mayor Smith further commented that the Gateway Strategic Plan identifies Mesa’s long-term vision for the Gateway area, but acknowledged that the vision might not be achieved for decades. He added that he anticipates the City would have “an ongoing battle” unless it can establish a transitional mechanism that would allow property owners to use their property for its current use (i.e., grazing cattle, construction yard) and yet still maintain the long-term vision for the area.

Councilmember Somers stated that the City should be careful not to “poison the well” with regard to the type of transitional uses that it would allow in the Mesa Gateway area. He stated that an automotive scrap metal yard, for example, may not be an appropriate use in an area where there is a long-term vision to construct a Class A office building.

City Manager Christopher Brady suggested that due to time constraints and the necessity for the Council to enter into Executive Session, that the remainder of staff’s presentation be continued to a future Study Session.

Mr. Sheffield concluded his presentation and provided a brief timeline regarding the Zoning Ordinance Update project.

Mayor Smith thanked staff for the presentation.

4. Appointments to boards and committees.

Mayor Smith recommended the following appointments to boards and committees:

BOARD OF ADJUSTMENT

Greg Hitchens – Term Expires June 30, 2012

Diane Von Borstel – Term Expires June 30, 2012

Tyler Stradling – Term Expires June 30, 2012

BUILDING BOARD OF APPEALS

Frank Jimenez – Term Expires June 30, 2012

Sat Guru Singh Khalsa – Term Expires June 30, 2012

Michael Williams – Term Expires June 30, 2012

DESIGN REVIEW BOARD

Delight Clark – Term Expires June 30, 2012

Wendy LeSueur – Term Expires June 30, 2012

DOWNTOWN DEVELOPMENT COMMITTEE

Gary Gallagher – Term Expires June 30, 2012

Gregory Holtz – Term Expires June 30, 2012

Joseph Campbell – Term Expires June 30, 2012

#### ECONOMIC DEVELOPMENT ADVISORY BOARD

Steve Parker – Term Expires June 30, 2012

#### HISTORIC PRESERVATION COMMITTEE

The Honorable Barbara Jarrett – Term Expires June 30, 2012

Jared Smith – Term Expires June 30, 2012

#### HOUSING ADVISORY BOARD

Heather Kay – Term Expires June 30, 2012

Jon Scott Williams – Term Expires June 30, 2012

Thomas Mace – Term Expires June 30, 2012

#### HUMAN RELATIONS ADVISORY BOARD

Theresa Benelli – Term Expires June 30, 2012

Ana Cadillo – Term Expires June 30, 2012

Jared Leadingham – Term Expires June 30, 2012

#### HUMAN SERVICES ADVISORY BOARD

John Gutierrez – Term Expires June 30, 2012

Katie Rosier – Term Expires June 30, 2012

Scott VanHoogstraal – Term Expires June 30, 2012

#### JUDICIAL ADVISORY BOARD

Michael Cowan – Term Expires June 30, 2012

The Honorable David Talamante – Term Expires June 30, 2012

#### LIBRARY ADVISORY BOARD

Dilworth Brinton – Term Expires June 30, 2012

Diane Cantile – Term Expires June 30, 2012

Kay Henry – Term Expires June 30, 2012

MERIT SYSTEM BOARD

James May – Term Expires June 30, 2012

MUSEUM & CULTURAL ADVISORY BOARD

Kit Filbey – Term Expires June 30, 2012

PARKS & RECREATION BOARD

Matthew Shaffer – Term Expires June 30, 2012

Milt Fort – Term Expires June 30, 2012

Mark Yarbrough – Term Expires June 30, 2012

Ron Willis – Term Expires June 30, 2012

PERSONNEL APPEALS BOARD

Robert Blaylock – Term Expires June 30, 2012

PLANNING & ZONING BOARD

Chell Roberts – Term Expires June 30, 2012

Vincent DiBella – Term Expires June 30, 2012

SELF-INSURANCE PROGRAM BOARD OF TRUSTEES

Thomas Lagerhausen – Term Expires June 30, 2012

TRANSPORTATION ADVISORY BOARD

Ken Cole – Term Expires June 30, 2012

Jerel Campbell – Term Expires June 30, 2012

David Wier – Term Expires June 30, 2012

Dawn Fortuna – Term Expires June 30, 2012

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Carried unanimously.

5. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended.

6. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Thursday, July 2, 2009, 7:30 a.m. – Study Session – Cancelled

Wednesday, July 8, 2009, TBA – Study Session

Wednesday, July 8, 2009, 5:45 p.m. – Regular Council Meeting

7. Convene an Executive Session.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that the Council adjourn the Study Session at 5:20 p.m. and enter into an Executive Session.

Carried unanimously.

- a. Discussion or consultation for legal advice with the City Attorney. (A.R.S. §38-431.03A (3)) Discussion or consultation with the City Attorney in order to consider the City's position and instruct the City Attorney regarding the City's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §38-431.03A(4))
  1. SRP Abel-Moody Transmission Project.
  2. Meet and Confer Process.

8. Adjournment.

Without objection, the Executive Session adjourned at 5:44 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 1<sup>st</sup> day of July, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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